

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Malik Laughlin; Kenneth Lewis; and  
Michael Hari,

File No. 19-cv-2547 (ECT/TNL)

Plaintiffs,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

James Stuart, Sheriff of Anoka County;  
Jonathon Evans, Lt. Sheila Larson, Sgt.  
Carrie Wood, Tessa Villegas, and Jesse  
Rasmussen, Deputy Sheriffs of Anoka  
County,

Defendant.

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On October 27, 2020, Defendant Tessa Villegas<sup>1</sup> moved to dismiss all claims asserted against her in the Amended Complaint. ECF No. 248; *see* ECF No. 85. Plaintiffs were subsequently given leave to file a Second Amended Complaint and did so. ECF Nos. 303, 311. Villegas then filed a motion to dismiss the claims asserted against her in the now-operative Second Amended Complaint, ECF No. 321, but did not withdraw her original motion. In a Report and Recommendation, Magistrate Judge Tony N. Leung recommends denying Villegas's original motion to dismiss as moot. ECF No. 386. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir.

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<sup>1</sup> The Amended Complaint—and therefore, the docket—misspells Villegas's surname as "Villergas." *See* ECF No. 250 at 2 n.1.

1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 386] is **ACCEPTED**; and
2. Defendant Tessa Villegas's Motion to Dismiss [ECF No. 248] is **DENIED AS MOOT.**

Dated: August 19, 2021

s/ Eric C. Tostrud

Eric C. Tostrud  
United States District Court